

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AUGUST B. PORTER,)	
)	
Petitioner,)	
)	
vs.)	No. 4:14-CV-176-JAR
)	
U.S. MARSHAL SERVICE, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of petitioner's application for leave to proceed in forma pauperis [Doc. #2]. The Court will grant the motion.

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Doc. #1]. The petition consists of three pages, marked "Page 8 of 10," "Page 9 of 10," and "Page 10 of 10." It appears, though it is unclear, that petitioner intended to file additional pages with his petition, and it is also unclear if petitioner exhausted his administrative remedies within the Federal Bureau of Prisons prior to filing this action. Exhaustion of available remedies is a prerequisite to filing a habeas action in this Court. *See United States v. Chappel*, 208 F.3d 1069, 1069 (8th Cir. 2000) (per curiam) (a prisoner may bring a habeas action challenging the BOP's execution of his sentence only if he first presents his claim to the BOP; after exhausting BOP remedies, inmate will have the right to file a § 2231 habeas

petition); *Rogers v. United States*, 180 F.3d 349, 356-57 (1st Cir. 1999) (same). For these reasons, the Court will instruct petitioner to file an amended petition on a court-provided form.

Therefore,

IT IS HEREBY ORDERED that petitioner's request for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall forward to petitioner the court-provided form for filing a "Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241" (Form AO-0242).

IT IS FURTHER ORDERED that petitioner shall complete this form in its entirety and return it to the Court within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action, without prejudice and without further notice to him.

IT IS FURTHER ORDERED that upon petitioner's filing of the form petition, the Clerk shall resubmit this matter to the Court for review pursuant to Rule 4 of the Rules Governing Habeas Corpus.

Dated this 12th day of June, 2014.


JOHN A. ROSS
UNITED STATES DISTRICT JUDGE